

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE:) CASE NO. 15-17280
)
SUSAN S. PULETTI) CHAPTER 13 PROCEEDING
)
Debtor.) JUDGE JESSICA E. PRICE SMITH

AMENDED MOTION TO MODIFY DEBTOR'S CONFIRMED CHAPTER 13 PLAN

Now comes Debtor, by and through counsel, and hereby moves this Honorable Court pursuant to 11 U.S.C. § 1329(a)(1) &(3) to modify her Chapter 13 Plan as originally Confirmed by Order of this Court entered December 22, 2016 (Doc 76) in accordance with the Modified Plan dated September 27, 2017, as filed. This Modified Plan is necessary to provide for the surrender of her residence home due to recent financial circumstances which left her incapable of meeting necessary household expenses. Debtor's Modified Plan further proposes to increase the dividend to unsecured creditors from 3% to 30%.

For cause, Debtor's Plan was confirmed following the approval of her mortgage loan modification in October 2016. During the second quarter of 2017, Debtor's income has been drastically reduced due to wage reductions and her daughter's graduation from high school. Debtor will not be able meet her basic household living expenses unless the current plan is modified to surrender her residence home as secured by a loan with Seterus. Debtor proposes to increase the dividend to unsecured creditors if the conduit mortgage payments are terminated. Modification of Debtor's Chapter 13 Plan is needed to maintain Plan feasibility given the significant change in the Debtor's circumstances.

Therefore, Debtor requests that her Confirmed Plan be modified to reduce the total Plan payment to \$117.00 per month, to provide for the surrender of the residence home securing the claim of Seterus, and to allow for an increased dividend to unsecured creditors to the greater of \$3,053.00 or 30%. Under Debtor's proposed Modified Plan dated September 27, 2017, Seterus will be able to liquidate the real property collateral toward its secured claim in this matter, and all other creditors will receive increased dividends on their allowed claims. The proposed modified Plan will allow Debtor to maintain the feasibility requirements of 11 U.S.C. § 1325(a)(6) and complete her reorganization.

The proposed modification of Debtor's Confirmed Plan does not adversely alter the treatment of any other creditors from the previously Confirmed Plan except as set forth above. The Plan, *as modified*, complies with all Chapter 13 requirements, and is reasonable and proposed in good faith.

Respectfully submitted,

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CERTIFICATE OF SERVICE

A copy of the foregoing MOTION was served via first-class U.S. Mail (or ECF) on September 27, 2017, to the following parties:

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